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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/963,716

09/26/2001

Joshua A. Norrid

AUS920010667US1

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05/07/2007

IBM CORPORATION (RHF)

C/O ROBERT H. FRANTZ

P. O. BOX 23324

OKLAHOMA CITY, OK 73123

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/963,716

Applicant(s)

NORRID, JOSHUA A.

Examiner

Stefano Karmis

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 06 February 2007.

#### *Status of Claims*

2. Claims 1, 6 and 11 are currently amended. Claims 16-18 are newly added. Therefore claims 1-18 are currently pending.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the amended limitation *periodically synchronizing a clone inventory database with an inventory of a reservation management system* is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The

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Examiner can find no mention in the specification of a *clone inventory database*. Furthermore, the only synchronization mention in the specification synchronizes a copy of the available rooms database from the Property Management System to the Octopus (paragraph 0056; see U.S. Publication 2003/0061145). Therefore there is not an adequate written description to support *periodically synchronizing a clone inventory database with an inventory of a reservation management system* and therefore this limitation is not considered when interpreting the claim.

Continuing with claim 1, the amended limitation *the web objects being served by a cloned server having a set of common web objects with a primary site and set of web objects unique to said booking party type, and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party* is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner can find no mention in the specification of a *cloned server*. Instead there appears to be a primary web server and a content router that duplicates a portion of a primary web server to a clone site (paragraph 0027). The Examiner also cannot find support for *a web object unique to said booking party*. The only unique discussion in the specification is related commissions and fees (paragraph 0055), which don't appear to conform to a *web object*. The Examiner also cannot find support for having the booking party *selected from the group of a wholesale booking party, an agent booking party and a direct customer party*. For at least these reasons, there is not an adequate written description to support *the web objects being served by a cloned server having a set of common web objects with a primary site and set of web objects unique to said booking party type, and wherein said booking party type is selected from the*

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*group of a wholesale booking party, an agent booking party, and a direct customer party* and therefore this limitation is not considered when interpreting the claim.

Independent claims 6 and 11 have similar claim language to claim 1 and are therefore rejected under the same reasoning. Claims 2-5, 7-10 and 12-18 stand rejected based on their dependency. The Examiner respectfully request that the Applicant point out where in the specification these passages are supported should the Applicant attempt to traverse this rejection.

### ***Response to Arguments***

5. Applicant's arguments filed 06 February 2007 have been fully considered but they are not persuasive. As discussed above, there is not adequate support in the specification for the amended limitations in the independent claims. Therefore the claims are interpreted without these limitations since it would not be obvious to one of ordinary skill in the art to modify the specification to include these limitations. A majority of Applicant's arguments center around these claims limitations, therefore those arguments are not persuasive.

6. Regarding the rejection under Burko, the Examiner believes the Provisional Patent Application would enable would of ordinary skill in the art to make and use Burko's invention. The Provisional Application is available in Public Pair if the Applicant wishes to review it.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burko U.S. Publication 2002/0156672 A1 in view of Acebo et al. (hereinafter Acebo) U.S. Patent 6,023,679.

Regarding independent claims 1, 6 and 11, Burko teaches a method for establishing a reservation for a service or product:

directing a booking party to a set of web objects according to the type of booking party (page 4, paragraph 0047 and 0050 and page 5, paragraph 0054);

collecting a reservation data set from said booking party including itinerary and preferences for a customer (page 5, paragraph 0056);

establishing a reservation in said management system according to said reservation data set if a matching service or product is available, said reservation being associated with a customer profile (page 5, paragraph 0057-0058); and

determining a revenue value to be afforded to said booking party (page 5, paragraph 0058; Examiner notes the fee for scheduling an appointment be provided to the revenue compensated to the booking party).

Burko fails to teach recording the revenue in a revenue pool for the booking party. Acebo teaches a method and system for effecting the instantaneous data transmission to a locally operated computer system upon an occurrence in the computer reservation system (Abstract). Acebo teaches commission fees as well as a Revenue Sharing table for defining how the commission will be shared among agents (column 12, line 53 thru column 13, line 5). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's

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invention to modify the fee teachings of Burko to include the Revenue Sharing table to define how fees are distributed as taught by Acebo because it provides for analyzing and customizing bookings/reservations including the fees associated with such bookings/reservations.

Claims 2, 7 and 12, wherein said step of directing a booking party to a set of web objects comprises a step selected from the group of providing a plurality of Universal Resource Locators, web addresses, and subdomains, each being tailored to the needs of a booking party type (page 4, paragraph 0047).

Claims 3, 8 and 13, further comprising a step of allowing said booking party to create a new customer profile (page 4, paragraph 0048).

Claims 4, 9 and 14, further comprising the step of allowing said booking party to modify an existing customer profile (page 4, paragraph 0050-0051).

Regarding claims 5, 10 and 15-18, Burko teaches a system and method for providing scheduling of services by a professional such as doctors appointments (page 2, paragraph 0025 and page 5, paragraph 0054). Burko fails to teach associating the reservation with a customer profile comprises a step selected from the group of establishing a hotel reservation, reserving a travel ticket, booking a rental car, reserving a golf tee time, reserving an entertainment ticket, and reserving products due for future availability. Acebo teaches a system for accessing and processing pre- and post-ticketed travel reservations (column 8, lines 35-50). It would have

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been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the scheduling teachings of Burko to include the booking of travel tickets as taught by Acebo because the travel tickets are a service that requires scheduling. The scheduling of both the doctors appointment and travel ticket requires checking customer data such as a preference time/date for the ticket or appointment as well as availability offered by the provider.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

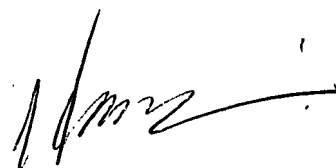
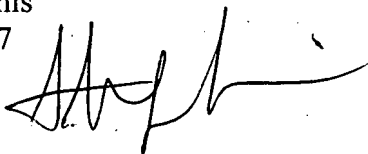
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
20 April 2007



HANI M. KAZIMI  
PRIMARY EXAMINER